

JOHN G. KEANE

IBLA 78-591

Decided November 2, 1978

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 33891.

Affirmed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: Applications: Drawings

Strict compliance with 43 CFR 3112.2-1, which provides that simultaneous oil and gas drawing entry cards be signed and fully executed by an applicant or his agent, is required. Where no date of signing appears on an entry card, the offer is properly rejected.

2. Estoppel--Federal Employees and Officers: Authority to Bind Government

Reliance upon erroneous advice provided by a non-Governmental filing service cannot relieve an oil and gas applicant of an obligation imposed on him by regulation.

APPEARANCES: John G. Keane, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

John G. Keane has appealed from an August 1, 1978, decision by the New Mexico State Office, Bureau of Land Management (BLM), rejecting his simultaneous oil and gas lease offer NM 33891, drawn number one at the July 12, 1978, drawing, because of appellant's failure to date the entry card.

Appellant states on appeal that the card itself contains no instruction to enter the date. Appellant asserts further that "all of the literature which I received stated not to date the cards. I was advised just to sign my name." (Emphasis original.)

[1] The Board has held on numerous occasions that under 43 CFR 3112.2-1, an undated drawing entry card is properly rejected. For example, in Thomas C. Moran, 32 IBLA 168 (1977), we said:

Even minor deviations and omissions in the information required on a drawing entry card are sufficient to warrant the rejection of the offer. * * * Thus the incomplete entry of the date has been held a proper reason for rejection of the offer * * *. In John R. Mimick, 25 IBLA 107 (1976), the Board stated that the date must be entered on the card in the space provided in order for the card to be fully executed as required by the regulation. The Board further observed that "[t]he date is important because it shows that as of a particular date, the offerors, by their signatures, certify all the statements made on the card," citing Roy Flamm, 24 IBLA 10 (1976). No date having appeared on the entry card and, therefore, there being no certification, the entry card was properly rejected.

[2] Appellant intimates that he was erroneously advised not to date the card. Even reliance on erroneous advice by BLM employees cannot confer on an applicant any right not authorized by law. Charles M. Brady, 33 IBLA 375 (1978); Belton E. Hall, 33 IBLA 349 (1978). However, the advice to not date the card is not part of the form, but apparently was given by Federal Simultaneous Associates, a non-Governmental filing service. Such advice, a fortiori, cannot relieve appellant of his regulatory burden of having the drawing entry card "signed and fully executed." This includes dating the card. 43 CFR 3112.2-1.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Frederick Fishman
Administrative Judge

We concur.

Anne Poindexter Lewis
Administrative Judge

Douglas E. Henriques
Administrative Judge

